



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

☒ Specific Waiver

SUBJECT Request by Dos Palos Oro Loma Joint Unified School District to waive <i>Education Code</i> (EC) Section 56362 (c); allowing the caseload of resource specialist to exceed the maximum caseload of 28 students by no more than four students (Maximum 32). Kevin Jones at Dos Palos Elementary School , Charles (Chuck) Finster at Dos Palos and Marks Elementary Schools , and Karen Weaver at Marks Elementary School . Waiver Number 32-12-2003	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Consent

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district provide additional instructional aide assistance at a minimum of five hours per day to each of the Resource Specialists over caseload.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The Resource Specialist shall be under the direction of a resource specialist who is a credentialed special education teacher, or who has a clinical services credential with a special class authorization, who has had three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing and who has demonstrated the competencies for a resource specialist, as established by the Commission on Teacher Credentialing.

The State Board of Education has approved these waivers in the past. California Department of Education (CDE) staff uses Title 5 CCR 3100 as a guideline for reviewing these waivers.

SUMMARY OF KEY ISSUES

Title 5 CCR 3100, allow the State Board of Education to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

- The waiver time period is for only 5 months in school year 2003-04.
- Dos Palos Oro Loma Joint Unified School district stated they will provide the assistance of an instructional aide at five hours per day to Chuck Finster, and 6 hours per day to Kevin Jones and Karen Weaver (5 hr minimum required.)

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- CDE staff confirmed the resource specialists involved agreed to increase their student caseload from 28 students to no more than 32 students, and have not had a caseload in excess of the statutory maximum for more than two years.
- District personnel and the involved resource specialists agree that all Special Education needs of all students involved can be met under the waiver.
- The resource specialists bargaining unit participated in the waiver development. (Neutral position)

On the basis of this review CDE recommends approval of this waiver request with specified conditions.

Authority for the Waiver: EC 56101, and Title 5 CCR 3100

Bargaining unit(s) consulted on date(s): 1/23/04

Position of bargaining unit(s) (choose only one):



Neutral



Support



Oppose

Name of bargaining unit(s)/representative(s): Dos Palos Oro Loma Teachers Association, Shelia Ryskamp, CTA President

Local board approval date(s): 2/13/04

Period of request: January 31, 2004-June 4, 2004. The original district request dates were from January 31, 2004-January 31, 2005. However, the union reported that they were requested by the district to approve for the caseload increase for years 2003-04 which is reflected in their letter. The district changed their dates to January 31, 2004-June 4, 2004 and faxed a revised copy to CDE on March 4, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is denied, Dos Palos Oro Loma Joint Unified School District will have to employ additional qualified staff or persons with emergency qualifications to provide services to special education students placing a financial hardship on the district

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office"